

16 April 2017

Mr. Kerry D. Bowers

375 (D. 21 M 10: 36

Henderson NV 89002-0522

Office of the General Counsel Federal Election Commission 999 E Street N.W. Washington DC 20463



Greetings,

The purpose of this letter is to serve as the instrument through which a complaint is filed by Mr. Kerry D. Bowers (complainant) alleging that USA TODAY© (respondent) through a news report (Exhibit A) authored by Catalina Camia (co-respondent) and David Jackson (additional co-respondent) did, on 22 March 2015, violate 11 CFR 1 § 100.73 (b). That clause reads, "That is a part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the circulation or listening area, is not a contribution."

It is alleged by the complainant that the respondents made a contribution to the campaign of Republican presidential-candidate Senator Ted Cruz when the respondents wrote and published factually incorrect information in the subject article, information for which there was both government and private sources readily available to the respondents that provided factual information contrary to the report. The statement in the news report alleged as a contribution was as follows, "The Texas Republican will be the first candidate to officially declare a 2016 run for the White House, though several more are likely to be close behind him."

For perspective, the complainant in this matter announced his campaign as a Republican candidate for the 2016 presidential race in a publicly-released YouTube © video on 13 Sept 2013 (Exhibit B), 17 months before Senator Cruz's 23 March 2015 candidacy announcement. On 23 February 2014 and 5 March 2014, the Las Vegas Sun © newspaper printed a general news story about the complainant's candidacy for president in the 2016 race (Exhibits C and D). On 28 April 2014, and after having completed the Combined Federal Regulations (CFR) requisites for registration as a federal candidate, the complainant was registered by the Federal Election Commission (FEC) as a Republican presidential candidate becoming, chronologically, the 29th Republican to do so and 11 months ahead of Senator Cruz's announcement (Exhibit E). The complainant was also the only Republican presidential candidate to exhibit a presidential campaign at the 2014 Republican Leadership Conference held in New Orleans, LA, from 29 May to 31 May 2014, over 9 months ahead of Senator Cruz's announcement (Exhibit F). The complainant further alleges that consequential to a campaign begun well ahead of Senator Cruz's; one inclusive of radio, web streaming, news-media announcements, and personal appearances over a breadth of the United States ranging from Washington State to Florida; an inquiry using an internet

search on or before the date of the respondents' publication would have revealed information contrary to that reported by the respondents.

Senator Cruz was, in fact, the 56th Republican candidate (Exhibit E) to "officially declare" an entry into the Republican primary field for 2016 as evidenced with his coinciding announcement and registration with the FEC for the 2016 presidential campaign, a registration following the announcement and federal confirmation of 55 other Republican candidates of unchallenged and equal legal standing for the office at that point in the campaign season. Given the FEC-registration date for Senator Cruz, and the fact that no States at that point were registering candidates for their respective primary or caucus, then the statement, "The Texas Republican will be the first candidate to officially declare a 2016 run for the White House, though several more are likely to be close behind him." is a fabricated statement as supported by a preponderance of evidence to the contrary.

Specifically, the complainant alleges the respondents were in violation of the three distinctive parts of the subject CFR clause as follows. First, the statement is a "contribution" in consequence to it being fabricated through the efforts of the respondents and in such manner as to favorably elevate the status of a single candidate. Second, the fabrication was not necessary to describing the candidate's entry into the campaign, thus exceeding the CFR provision for "a general pattern of campaign-related news." And third, all opposing Republican candidates; 55 registered with the FEC on the date that Senator Cruz made his announcement; were denied "equal coverage in the circulation or listening area." Such coverage, in the opinion of the complainant, did not require each candidate to be named, only an acknowledgement that there were 55 other Republican candidates.

It is further alleged by the complainant that the respondents caused political and financial injury to the complainant and other Republican presidential candidates officially declared and registered with the FEC prior to the date Senator Cruz announced his candidacy. Political injury occurred when a reputable news source, the respondent, in effect reported there are no other Republican candidates and with the reasonable expectation the respondent's readers would believe that to be true. Additional injury alleged by the complainant occurred when readers, previously aware of one or more other Republican presidential candidates, may have come to believe that (1) the other candidates are no longer in the race, or (2) they have previously undisclosed matters that exempted them from consideration as an "officially-declared" candidate by the respondents.

It is the opinion of the complainant, too, that fabricated and injurious statements made by a widely-circulated and reputable news source, such as that of the respondent, requires some immeasurable reintroduction of the injured candidate, or candidates, to a public misled in consequence to the fabricated story. This, being so, then the complainant alleges it is reasonable to believe that such fabricated contributions impact the injured candidates future receipt of campaign contributions, future invitations to public campaign events, and exclusion from future polling. All these political setbacks, in the opinion of the complainant, translate to additional expenditures to recapture ground lost to a fabricated report. How much ground is lost and how much money is actually expended to recapture a candidate's status held prior to the alleged violation is impossible to quantify. But, in the opinion of the

complainant, it is a reasonable expectation that there has to be injury and that injury is both political and financial.

It is also alleged by the complainant that injury imparted by fabricated information extends beyond the unreported candidates and to the whole of the American people. Why? Because, in the opinion of the complainant, the people are directed away from a candidate (or candidates) that may potentially serve to the people's best interest, while being steered by the respondents to a candidate that may not serve as well to their interests. If such were the case, and it actually may be the consequence today, then the people, in the opinion of the complainant, will incur both political and financial injury in consequence to the respondent's fabricated and misleading reporting.

In conclusion, it is alleged by the complainant that the respondents did, through their own efforts of construction, fabricate an article that contained false and misleading information that contributed to the benefit of a single candidate. The complainant further alleges that information was publicly available to the respondents that a reasonable search would have revealed as evidence to the contrary of that stated by the respondents. And last, the alleged contribution, though impossible to quantify, but with reasonable expectation, did injure the complainant, other unreported Republican presidential candidates and, potentially, the whole of the American people, both politically and financially.

Kerry D. Bowers, Complainant

Date MADEIL 2017

6 Exhibits Attached:

- 1. Exhibit A, Respondent's Article
- 2. Exhibit B, YouTube Video Page
- 3. Exhibit C, Sunday Magazine Article
- 4. Exhibit D, LV Sun Article
- 5. Exhibit E, FEC Registration List
- 6. Exhibit F, Republican Leadership Conference Receipt and Picture

Nevada	CLARK CO	ounty			
l,	HOMER	TOUSSIMEHR	·	, a Notary Public f	or said County and
State, do h	ereby certify that	KERRY	DALE	BOWERS -	a resident at
	HENDERSON	NEVAGO	GSA		
me the due	ally appeared before ree execution of the fore y hand and official sea	al, this the / Rush of Nevadary Public State of Nevadary County of Clark	lay of		sworn to before
Notary Pul My commi	No: 06-105827-1	HOMER TOUSSIMEHR My Appointment Expires March 29, 2018	20_/8	_•	
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EXHIBIT A

The following, submitted as Exhibit 'A', is an internet screen-shot of the 22 March 2015 USAToday.com news report authored by Catalina Camia and David Jackson. The report can be viewed at: https://www.usatoday.com/story/news/politics/elections/2015/03/22/ted-cruz-president-2016-announcement/25137661/.

Ted Cruz to announce presidential run

Catalina Camla and David Jackson, USA TODAY Published 9:03 a.m. ET March 22, 2015 | Updated 5:52 p.m. ET March 22, 2015



(Photo: Molly Riley, AP)

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LYNCHBURG, Va. —Ted Cruz will announce Monday that he will seek the presidency, launching a campaign that aims to energize the party's Tea Party and socially conservative wings.

Cruz's plans were confirmed Sunday by two senior advisers with direct knowledge of his plans, who requested anonymity because an official announcement had not yet been made.

The Texas Republican will be the first candidate to officially declare a 2016 run for the White House, though several more are likely to be close behind him.

Sen. Rand Paul, R-Ky., is expected to announce on April 7. Former Florida governor Jeb Bush, Wisconsin Gov. Scott Walker and other potential candidates have taken preliminary steps towards campaigns.

On the Democratic side, former secretary of State Hillary Rodham Clinton is also expected to launch a campaign soon.

Cruz is set to announce his intentions in a speech at Liberty University, founded by Jerry Falwell, which bills itself as the world's largest Christian university. The Houston Chronicle was the first to report Cruz's announcement.

OnPolitics | USA TODAY's politics blog

(http://onpolitics:usatoday.com/2015/03/22/ted-cruz-president-six-things-to-

know/)

Cruz, 44, is just starting the third year of his first Senate term. He is an undisputed leader of the Tea Party movement, known for his brash, uncompromising style and conservative beliefs that target both President Obama as well as his fellow Republicans.

OnPolitics | USA TODAY's politics blog

(http://onpolitics.usatoday.com/2015/03/22/democrats-welcome-cruz-to-the-gop-

race/)

He repeatedly criticizes the "mushy middle" — as reflected by the GOP's last two presidential nominees Mitt Romney and Sen. John McCain — and denounces his fellow Republicans for falling to make bold distinctions with Democrats. "It's a failed electoral strategy," Cruz has said.

Perhaps more than any other potential candidate, Cruz has urged a more aggressive path for Republicans. He has criticized his party leading mot taking on Obama over health care and immigration and has urged the party faithful to "demand action, not talk" from their elected officials — including fellow Republicans.

Ted Cruz: A look at his political

"If a candidate tells you that they oppose Obamacare, fantastic! (But) when have you stood up and fought against it?" Cruz said last month at the Conservative Political Action Conference. "If a candidate says they oppose Obama's illegal executive amnesty, terrific. When have you stood up and fought against it?"

OnPolitics | USA TODAY's politics blog

(http://onpolitics.usatoday.com/2015/03/16/tcd-cruz-natural-born-citizen-birthers/).

James Henson, director of the Texas Politics Project at the University of Texas in Austin, said the GOP primaries will determine whether Cruz's personality will be an asset or a challenge

"His combativeness and tone are a potential problem," Henson said. "They are part of the image he's cultivated and, from what I have seen, he is not overly concerned with modulating that brand. We're going to see whether it works or not."

Cruz begins the race trailing in early GOP presidential polls and lags well behind Bush and Walker, the two leading candidates at this stage. He is expected to compete with Paul and Florida Sen. Marco Rubio for support from movement conservatives and Tea Party supporters, and with former Arkansas governor Mike Huckabee and former Pennsylvania senator Rick Santorum — the last two winners of the lowa caucuses — for the votes of religious conservatives.

A self-described lifelong conservative who grew up in Houston, Cruz was educated at Princeton and Harvard and clerked for Supreme Court Chief Justice William Rehnquist. He had stints in the federal government — working for the U.S. Trade Commission and the Justice Department in the George W. Bush administration — as well as in private law practice.



(Photo: Pablo Martinez Monsivals, AP)

He returned home to Texas to serve as solicitor general for Greg Abbott, the former state attorney general who is now governor. But it was Cruz's drubbing in 2012 of then-lieutenant governor David Dewhurst in the Senate GOP primary that made him a Tea Party star.

Less than a year later, congressional Republicans would praise — and blame — Cruz for his role in the 2013 government shutdown and this year's dispute over homeland security funding. His marathon protest on the Senate floor in 2013 over the Affordable Care Act led to the partial government shutdown that year and earned Cruz national notoriety.

OnPolitics | USA TODAY's politics blog

(http://onpolitics.usatoday.com/2015/02/23/ted-cruz-texas-poll-scott-walker/)

Mark Jones, chairman of the Rice Ur iversity political science department, said Cruz's immediate task is to figure out a "realistic path" that moves him from the second tier of Republican candidates into the first tier now occupied by Bush and Walker. And even if the Texan cannot do that, Jones said a 2016 presidential bid for Cruz still makes sense.

"Cruz is at the very beginning of what is certain to be a long and successful political career," Jones said. "This presidential campaign can be successful even if he does not obtain the Republican nomination, by allowing him to reach out and speak to a broader Republican audience."

Follow @ccamia (https://twitter.com/ccamia) and @diusatoday (https://twitter.com/diusatoday). on Twitter.

Read or Share this story: http://usat.ly/1CcZlil

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SHOP NOW

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EXHIBIT B

The following graphic, submitted as Exhibit 'B', is a screenshot of the publicly-accessible YouTube® page reflecting the complainant's announcement on 13 September 2013 his candidacy for the Office of President of the United States. The page can be accessed via the internet at: https://www.youtube.com/watch?v=MzcWj22uu5M.

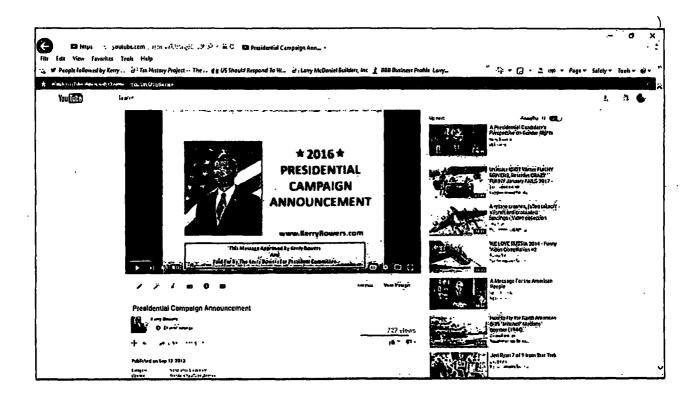


EXHIBIT C

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The following graphic, submitted as Exhibit 'C', is a copy of the Las Vegas Sun, Sunday Magazine published 23 February 2014 and reflecting a general news article about the complainant's 2016 presidential campaign.

WE WANT TO HEAR FROM YOU | POLITICS



GOVERNOR

You must: Pay a \$300 filing fee.

Be at least 25 at the time of the election

Not have changed major political party affiliation after Dac. 30 of the year preceding the election.

Not have been convicted of treason or a felony in any state

Not have been ruled mentally incompetent.

Be citizen resident of Nevada for at least two years directly proceding the election.

File numerous documents with the Nevada Secretary of State's Office.

STATE SENATE OR ASSEMBLY

You must: Pay a filing fee of \$100

Be at least 21 by Election Day.

Be a citizen resident of Nevada for at least one year directly preceding the election

Reside in the district to which the office pertains for at least the 30 days immediately before the close of candidate filling.

Not be convicted of embezzlement, bribery or misuse of public funds.

PRESIDENT

You must: Be natural-born U.S. citizen.

Be at least 35 years old

Be a permanent resident of the United States for at least 14 years.

Be thick-skinned OK, we just threw that in there.

U.S. HOUSE

You must: Be at least 25 years old.

Be a citizen for at least seven years,

Live in the state you want to represent.

U.S. SENATE

You must: Be at least 30 years old

Be a citizen for at least nine years.

Live in the state you want to represent.

AND...

To run for House of Representatives, Senate or president, it seems it's all about money: You must reaister with the Federal **Election Commission** once you, or someone on your behalf, receives contributions or makes expenditures in excess of \$5,000. Within 15 days of reaching that threshold. you must file a statement of candidacy authorizing a principal campaign committee to raise and spend



Henderson veteran 'picking up the flag'

BY TOM GORMAN STAFF WRITER

This is how easy it is to launch a campaign for public office: Kerry Bowers, a Henderson retiree after 30 years in the Air Force, has never before sought election to anything.

Now he wants to be president. You can mock him all you wish, but Dwight D. Eisenhower and Ulysses S. Grant each got elected



OWERS

president in his first try for public office although, unlike Bowers, they enjoyed public profiles.

But Bowers, 59, exudes an unmistakable military bearing, a keen focus and the ability to take heat. During Desert Storm, Bowers sat in the back seat of an F-4g Wild Weasel, baiting Iraqi ground missiles to zero in on his aircraft so he could target them with his own missiles. He won each duel.

Bowers, a Republican constitutionalist, believes that if enough people friend him on Facebook, share his tweets and spread the word of his home page (kerrybowers.com), his candidacy might spread like some political wildfire. (That said, more than 400 people with all the benefits of the internet officially ran for president in 2012, and only a tiny

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EXHIBIT D

The following graphic, submitted as Exhibit 'D', is a copy of the Las Vegas Sun newspaper article published 5 March 2014 reflecting a general news story about the complainant's 2016 presidential campaign.

e" Goldsmith, 57, will enter the state prison system for a stretch of two host of charges following a 2008 brawl at a downtown wedding chapel gs.

Even for Las Vegas, a city known for the unscripted, the event stand out: a fundraiser by one tough guy for another tough guy of a different stripe.

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Citro had circulated an event flier using his own brand of streetwise humor: "Our pal, Pee-wee, and his son Brad will be leaving soon on a "Government Sponsored Vacation." With your help, they will be able to keep their lives in order at home." Any donations, he soid. "will make sure Pee-wee and Brad know who their friends are."

Citro is a former boxer who's still sturdy as a fire hydrant. As emcee, he cruised the ballroom in a tuxedo, microphone in hand, extolling the guest of honor, whose nickname is a cartoonish misnomer.

Pec-wee (everyone calls Goldsmith that, so we will, too) stands 6 foot 8 and weighs 400 pounds. He wears size 16 shoes and his hands are ham hocks. His body is covered with tattoos of skulls and cherubs. A loner who has made a living off his mammoth body, he's a bouncer, brawler and bodyguard who calls people "bro."

Dressed in black, a gold necklace hanging from his neck, Pee-wee towered over a crowd of 150 people that mixed tough guys in fedoras, strong cologne and tailored suits with bikers in skullenps, bandannas and wallet chains — one taking to the dance floor with a large knife handle sticking ominously from his back pocket. Table signs [See Going away, Page 4]

In a new UNLV statium, it is also conducting between 20 and 30 telephone interviews with key community leaders, from regents to tourism officials, about the potential need.

In addition, CSL International plans to talk with several event promoters to see how many events could relocate to Las Vegas as a result of a new UNLV stadium.

The surveys are expected to be completed in a month.

During a two-hour presentation on Thursday, CSL International president Bill Rhoda went over various stadium models, from smaller collegiate stadiums, like the one at the University of North Texas, to major professional stadiums, like MetLife Stadium in New Jersey.

The proposed UNLV stadium must be a hybrid of the two types of stadiums. Snyder said. An on-campus stadium must accommodate football games but also cater to major events that could benefit the resort community and the Southern Nevada econ-

[See Facility, Page 4]

POLITICS

Cooking an election campaign from scratch

Henderson veteran: 'How can I expect change if I'm not the one picking up the flag?'

By Tom Gorman This story first appeared in the Feb. 23 issue of The Sunday.

This is how easy it is to launch a campaign for public office: Kerry Bowers, a Henderson retiree after 30 years in the Air Force, has never sought election to anything.

Now he wants to be elected president of the United States.

You can chortle and mock him all you wish, but it's not like a first-time office-seeker hasn't won the presidency before. Dwight D. Eisenhower's first elective office landed him in the White House, and nearly a century earlier. Ulysses S. Grant also got elected president in his first try for public office. For sure, they enjoyed public profiles; by comparison, a relatively minuscule number of people know Bowers.

But Bowers, 59, exudes an unmistakable military bear-



1 ! BASKON

Kerry Bowers and his wife Deb confer on his website, kerrybowers, com, which sets out Bowers' plutform for a run at the presidency.

ing, a keen focus and the ability to take heat. During Desert Storm, Bowers sat in the back seat of an F-4G Wild Weasel. baiting Iraqi ground missiles to zero in on his aircraft so he could target them with his own missiles. He won each ducl. He retired in 2006 and, as he puts it, heard a calling to seek the office of commander in chief. He's a Republican constitutionalist.

Bowers has campaign tools that Eisenhower and Grant could never have conjured, and which will give him access to free messaging from coast to coast: Facebook, Twitter and an Internet home page (kerrybowers.com) filled with messages, letters and videos. If enough people share his Facebook profile and his tweets and spread the word of his home page, he thinks his candidacy might spread like some political wildfire. (Reality check: More than 400 people with all the benefits of the Internet officially ran for president in 2012, and only a tiny fraction got traction.)
"We're averaging more than

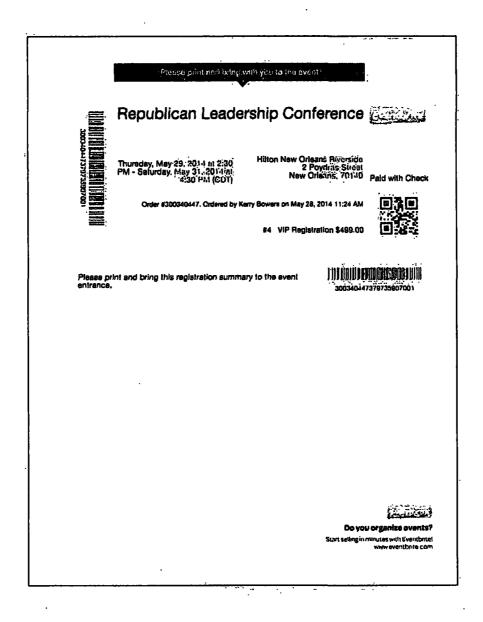
"We're averaging more than 500 visits a day and it's grow-[See Campaign, Page 6]

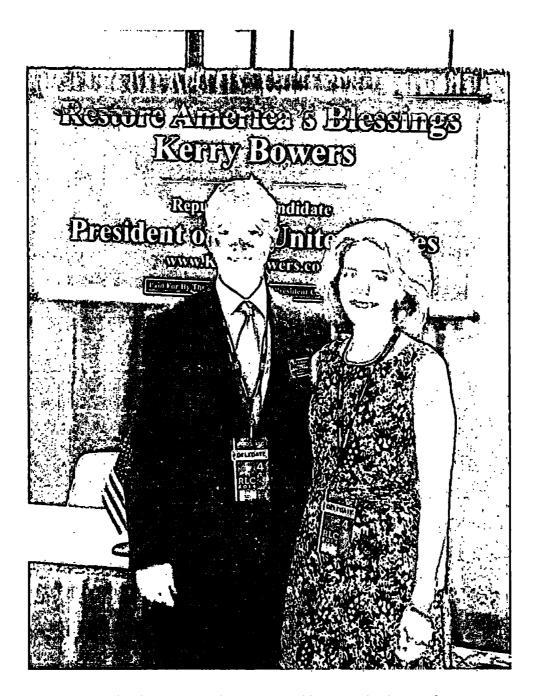
EXHIBIT E

_		Republican Registrants Only	
1	P60004777	LAROSE, IOSUE	12/12/2008
2	P60004785	COLE, BRIAN ARI DR	8/14/2009
3	P60003175	KALEMKARIAN, TIMOTHY CHARLES	2/3/2011
4	P20002929	DAY, TIMOTHY TERRELL	6/11/2012
5	P20000089	FELLURE, LOWELL JACKSON	10/29/2012
6	P60004819	KINLAW, MICHAEL WÄYNE	11/13/2012
7	P60004827	MIMS, TIFFANI EL DAWN	11/27/2012
l 8	P60004835	KELLER, MARC ALEXANDER PAUL	1/24/2013
9	P20003216	STAGG, SILVIA	3/13/2013
10	P00003756	MARTISKO, MIKE BENJAMIN	3/22/2013
11	P20002986	GRISKIE, CHRISTIN NOEL	4/29/2013
12	P60004884	STEVENS, SHERLENE D	5/29/2013
13	P60004892	TOMLINSON, DWAYNE ALAN	6/3/2013
14	P20002309	DRAKE, PATRICK ANTHONY	8/21/2013
15	P60004934	CROTZER, EZEKIEL GEORGE	8/24/2013
16	P60004942	RUSSELL, BRIAN PATRICK KETTERER	9/3/2013
17	P60004975	DIGGS, MICHAEL WAYNE	9/9/2013
18	P20002861	HUNT, EUGENE ROSELL JR	10/17/2013
19	P60005089	LEONARD, JERRY L	10/31/2013
20	P60005121	ALLEN-REESE, POGO MOCHELLO	1/21/2014
21	P20004446	JULIUS, TYRONE	2/18/2014
22	P60005162	DEBOW, PAUL W MR	2/20/2014
23	P60005170	SCHIESS, JOHN THEODORE	2/21/2014
24	P20002499		3/10/2014
	P80003957	DUMMETT, JOHN ALBERT IR	3/19/2014
25		BAILEY, GEORGE BRENT IR	4/2/2014
26	P60005253	LOWER, BARTHOLOMEW JAMES	· ·
27	P60005261	JUSTICE, BRENDA DAWN	4/15/2014 4/15/2014
28	P80003239	SAVIOR, OLE'	4/28/2014
29	P60005279	BOWERS, KERRY DALE	4/29/2014
30	P60002458	JEWELL, ROGER	5/15/2014
31	P60005303	FOX, CHERUNDA LYNN	· · · · · · · · · · · · · · · · · · ·
32	P40000820	MCDOWELL, EDDIE	5/30/2014
33	P40003584	CAVANAGH, ERIC SCOTT SHERMAN, JEFFERSON WOODSON	6/2/2014
34	P60005345		6/10/2014
35	P60002771	BROWN, SAMMY MUREL	6/30/2014
36	P00003814	MALONE, JOAN	7/31/2014
37	P60005410	MARKOVICH, BARBARA WAE ADAMS	8/2/2014
38	P20002838	HILL, CHRISTOPHER V	8/28/2014
39	P60005451	COLE, SCOTT MICHAEL	9/10/2014
40	P60005501	CHRISTENSEN, DALE H	10/8/2014
41	P60005592	ANDREWS, CHARLES PERRY III	11/10/2014
42	P60005626	PETYO, MICHAEL EDWARD	12/9/2014
43	P60005691	OLEWINE, SCOT GRANT	12/31/2014
44	P00004861	BICKELMEYER, MICHAEL	1/1/2015
45	P60005709	DUCKWALD, WANDA GAYLE	1/9/2015
46	P20004289	HAYDEN, JAMES A	1/23/2015
47	P20002051	RUNDBERG, JIM L	2/2/2015
48	P60005923	BRUCATO, GEORGE JAMES	2/27/2015
49	P60005857	HYDE, JUSTIN NICHOLAS MR.	2/27/2015
50	P60005972	EVERSON, MARK	3/10/2015
51	P60006004	LAUREL-SMITH, ABBEY SAMUEL MR	3/11/2015
52	P60005998	LAUREL-SMITH, ABBEY SAMUEL MR	3/11/2015
53	P60006012	MITCHELL, JAMES CREIGHTON MR JR	3/11/2015
54	P20003653	STORY, RICKEY JOE	3/11/2015
55	P60006053	ANDERSON, JOSEPH EDWARD DR. JR.	3/17/2015
56	P60006111	CRUZ, RAFAEL EDWARD "TED"	3/23/2015

EXHIBIT F

The following receipt and accompanying picture (next page), submitted as Exhibit 'F', are copies of (1) the receipt for the 2014 Republican Leadership Conference (RLC) held in New Orleans, LA, 29-31 May 2014, and (2) a picture of FEC-registered Republican presidential candidate Kerry D. Bowers and his wife, Deb, at their presidential-campaign exhibit booth in the main exhibit hall at the subject RLC event.





Kerry and Deb Bowers at the 2014 Republican Leadership Conference New Orleans, LA